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**Wednesday,
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Part IV

**Department of
Defense**

**General Services
Administration**

**National Aeronautics
and Space
Administration**

48 CFR Parts 1, et al.

**Federal Acquisition Regulation;
Elimination of the Standard Form 129,
Solicitation Mailing List Application;
Proposed Rule**

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Parts 1, 5, 14, 19, 22, 36, 52,
and 53****[FAR Case 2001-032]****RIN: 9000-AJ50****Federal Acquisition Regulation;
Elimination of the Standard Form 129,
Solicitation Mailing List Application****AGENCIES:** Department of Defense (DoD),
General Services Administration (GSA),
and National Aeronautics and Space
Administration (NASA).**ACTION:** Proposed rule.**SUMMARY:** The Civilian Agency
Acquisition Council and the Defense
Acquisition Regulations Council
(Councils) are proposing to amend the
Federal Acquisition Regulation (FAR) to
remove the requirement for contracting
offices to establish and maintain manual
solicitation mailing lists and the need to
use the Standard Form (SF 129,
Solicitation Mailing List Application).**DATES:** Interested parties should submit
comments in writing on or before
January 6, 2003 to be considered in the
formulation of a final rule.**ADDRESSES:** Submit written comments
to—General Services Administration,
FAR Secretariat (MVA), 1800 F Street,
NW, Room 4035, ATTN: Laurie Duarte,
Washington, DC 20405. Submit
electronic comments via the Internet
to—farcase.2001-032@gsa.gov.Please submit comments only and cite
FAR case 2001-032 in all
correspondence related to this case.**FOR FURTHER INFORMATION CONTACT:** The
FAR Secretariat, Room 4035, GS
Building, Washington, DC, 20405, at
(202) 501-4755 for information
pertaining to status or publication
schedules. For clarification of content,
contact Mr. Ralph De Stefano,
Procurement Analyst, at (202) 501-
1758. Please cite FAR case 2001-032.**SUPPLEMENTARY INFORMATION:****A. Background**

In order to broaden use and reliance
on e-business applications, the Councils
are working with the Office of Federal
Procurement Policy to eliminate the
need to maintain paper-based sources of
contractor information. As part of this
effort, the Councils are proposing to

eliminate the SF 129, Solicitation
Mailing List Application.

The SF 129 was created to enable
contracting activities to obtain
information from sources to develop a
solicitation mailing list. At the time the
form was developed, manual processes
were the only means available to assure
access to adequate sources of supplies
and services. Today, by sharp contrast,
there are multiple tools available to
agencies that can provide the
functionality of the SF 129, but in a
more efficient and effective manner.
With the Administration's
encouragement, agencies are taking
advantage of these tools.

For example, many agencies now
require potential contractors to register
in the Central Contractor Registration
(CCR) system, a centrally located,
searchable database, accessible via the
Internet, as their tool of choice for
developing, maintaining, and providing
sources for future procurements. The
CCR database enables prospective
contractors to update their information
in one place via a website ([http://
www.CCR2000.com.gov](http://www.CCR2000.com.gov)). As a single
validated source of data on contractors
doing business with the Government,
contracting officers are now able to
access, via the Internet, contractor data
and industry information less
expensively, and more efficiently
identify sources for contracting
opportunities. Additionally, information
obtained manually on the SF 129 may
now be obtained electronically through
the Procurement Marketing and Access
Network, "PRO-NET," [http://pro-
net.sba.gov](http://pro-net.sba.gov). PRO-NET is an electronic
gateway of procurement information for
and about small businesses operated by
the Small Business Administration. It is
a search engine for contracting officers,
a marketing tool for small firms, and a
link to procurement opportunities and
important information. Furthermore,
agencies are continually working to
develop new electronic means of
matching interested businesses with
Government contracting offices on
"FedBizOpps," [http://
www.fedbizopps.gov](http://www.fedbizopps.gov), the designated
single Governmentwide point of entry
for public access to notices of
procurement actions over \$25,000.
FedBizOpps.gov, through its interested
vendors list, has the capability to
generate a list of vendors who are
interested in a specific solicitation for
purposes of teaming opportunities,
subcontracting opportunities, and other
business relationships. In light of these
electronic initiatives, we propose to
eliminate the manual collection of
contractor data using the SF 129.

This is not a significant regulatory
action and, therefore, was not subject to
review under Section 6(b) of Executive
Order 12866, Regulatory Planning and
Review, dated September 30, 1993. This
rule is not a major rule under 5 U.S.C.
804.

B. Regulatory Flexibility Act

The Councils do not expect this
proposed rule to have a significant
economic impact on a substantial
number of small entities within the
meaning of the Regulatory
Flexibility Act, 5 U.S.C. 601, *et seq.*,
because the rule substitutes efficient
electronic databases for solicitation
mailing lists and the SF 129,
Solicitation Mailing List Application.
An Initial Regulatory Flexibility
Analysis (IRFA) has been prepared and
will be provided to the Chief Counsel
for Advocacy for the Small Business
Administration. The analysis is
summarized as follows:

This proposed rule would eliminate the SF
129, Solicitation Mailing List Application, so
that agencies may rely exclusively on more
efficient means to access sources of supplies.
For example, information obtained manually
on the SF 129 can be obtained more
efficiently through the Procurement
Marketing and Access PRO-NET, which is
sponsored by the Small Business
Administration. PRO-NET is an electronic
gateway of procurement information for and
about small businesses. It is a search engine
for contracting officers, a marketing tool for
small firms, and a link to procurement
opportunities and important information.

The proposed rule, when finalized, will
apply to all large and small entities that seek
contracts that are awarded by executive
agencies. For fiscal year 2001, there were
176,258 contract actions awarded over the
simplified acquisition threshold. The
proposed rule imposes no reporting,
recordkeeping, or other compliance
requirements.

The FAR Secretariat has submitted a
copy of the IRFA to the Chief Counsel
for Advocacy of the Small Business
Administration. A copy of the IRFA may
be obtained from the FAR Secretariat.
The Councils will consider comments
from small entities concerning the
affected FAR parts in accordance with 5
U.S.C. 610. Comments must be
submitted separately and should cite 5
U.S.C. 601, *et seq.* (FAR case 2001-032),
in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act no
longer applies because the proposed
rule eliminates reporting and
recordkeeping requirements currently
approved under OMB Control Number
9000-0002. This rule will reduce the

current OMB inventory by 464,000 hours.

List of Subjects in 48 CFR Parts 1, 5, 14, 19, 22, 36, 52, and 53

Government procurement.

Dated: November 1, 2002.

Al Matera,

Director, Acquisition Policy Division.

Therefore, DoD, GSA, and NASA propose amending 48 CFR parts 1, 5, 14, 19, 22, 36, 52, and 53 as set forth below:

1. The authority citation for 48 CFR parts 1, 5, 14, 19, 22, 36, 52, and 53 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

1.106 [Amended]

2. Amend section 1.106 in the table following the introductory paragraph by removing from FAR segment 14.205 its corresponding OMB Control Number “9000–0002” and adding “9000–0037” in its place; and by removing the FAR segments “14.205–4(c)” and “SF 129” and their corresponding OMB Control Numbers “9000–0037” and “9000–0002”, respectively.

PART 5—PUBLICIZING CONTRACT ACTIONS

3. Amend section 5.205 by revising the fourth sentence of paragraph (a) to read as follows:

5.205 Special situations.

(a) * * * Contracting officers must consider potential sources which respond to advance notices for a subsequent solicitation. * * *

5.403 [Amended]

4. Amend section 5.403 by removing paragraph designation “(a)” and paragraph (b).

PART 14—SEALED BIDDING

14.103–1 [Amended]

5. Amend section 14.103–1 by removing paragraph (b) and redesignating paragraphs “(c)” and “(d)” as “(b)” and “(c)”, respectively.

6. Amend section 14.201–6 by revising paragraph (e) to read as follows:

14.201–6 Solicitation provisions.

* * * * *

(e) Insert in all invitations for bids the provision at 52.214–10, Contract Award—Sealed Bidding.

* * * * *

7. Amend section 14.203–1 by revising the first sentence to read as follows:

14.203–1 Transmittal to prospective bidders.

Invitations for bids or presolicitation notices shall be provided in accordance with 5.102. * * *

8. Revise section 14.205 to read as follows:

14.205 Presolicitation notices.

In lieu of initially forwarding complete bid sets, the contracting officer may send presolicitation notices to concerns. The notice shall—

(a) Specify the final date for receipt of requests for a complete bid set;

(b) Briefly describe the requirement and furnish other essential information to enable concerns to determine whether they have an interest in the invitation; and

(c) Normally not include drawings, plans, and specifications. The return date of the notice must be sufficiently in advance of the mailing date of the invitation for bids to permit an accurate estimate of the number of bid sets required. Bid sets shall be sent to concerns that request them in response to the notice.

14.205–1 through 14.205–5 [Removed]

9. Remove sections 14.205–1, 14.205–2, 14.205–3, 14.205–4, and 14.205–5.

14.211 [Amended]

10. Amend section 14.211 in the first sentence of paragraph (a) by removing “14.205–4(c)” and adding “14.205” in its place.

11. Amend section 14.503–1 by revising the introductory text of paragraph (a) to read as follows:

14.503–1 Step one.

(a) Requests for technical proposals shall be synopsisized in accordance with Part 5. The request must include, as a minimum, the following:

* * * * *

PART 19—SMALL BUSINESS PROGRAMS

19.202–2 [Amended]

12. Amend section 19.202–2 by removing paragraph (a) and

redesignating paragraphs “(b)” and “(c)” as “(a)” and “(b)”, respectively.

19.202–4 [Amended]

13. Amend section 19.202–4 by removing paragraph (c) and redesignating paragraph (d) as (c).

19.402 [Amended]

14. Amend section 19.402 in paragraph (c)(3) by removing the words “on solicitation mailing lists or”.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

15. Amend section 22.1009–2 by revising paragraph (b) to read as follows:

22.1009–2 Attempt to identify possible places of performance.

* * * * *

(b) Databases available via the Internet for lists of prospective offerors and contractors.

* * * * *

PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

36.213–3 [Amended]

16. Amend section 36.213–3 in the parenthetical in paragraph (d) by removing “14.205 and”.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.214–9 [Removed and Reserved]

17. Remove and reserve section 52.214–9.

52.214.10 [Amended]

18. Amend section 52.214–10 in the prescription by removing “14.201–6(e)(2)” and adding “14.201–6(c)” in its place.

PART 53—FORMS

53.214 [Amended]

19. Amend section 53.214 by removing and reserving paragraph (e).

53.301–129 [Removed]

20. Remove section 53.301–129.

[FR Doc. 02–28205 Filed 11–5–02; 8:45 am]

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